

# APPENDIX

## EXHIBIT 12

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ROBERT LEDWITH, TERRENCE MOORE,  
KEVIN KELLY, FRED LeMOINE, ALFRED G.  
GEROSA, JOHN BRUNETTI, KEVIN O'BRIEN  
and JOSEPH MARTINELLI, as TRUSTEES of the  
LOCAL #46 METALLIC LATHERS UNION AND  
REINFORCING IRON WORKERS WELFARE  
TRUST, ANNUITY FUND, PENSION FUND,  
APPRENTICESHIP FUND, VACATION FUND,  
SCHOLORSHIP FUN and OTHER FUNDS,

-and-

ROBERT LEDWITH, as Business Manager of the  
LOCAL #46 METTALIC LATHERS UNION AND  
REINFORCING IRON WORKERS and as Trustee  
of the LOCAL #46 METTALIC LATHERS AND  
REINFORCING IRON WORKERS POLITICAL  
ACTION FUNDS,

Plaintiffs,

- against -

CHARLES DOHERTY, UNITED STATES  
REBAR, INC., and JOHN DOES 1-10,

Defendants.

07 CV 4237 (CBA)

STIPULATION OF  
DISMISSAL UNDER  
FED. R. CIV. PRO.  
41(a)

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiffs Robert Ledwith, Terrence Moore, Kevin Kelly, Fred LeMoine, Alfred G. Gerosa, John Brunetti, Kevin O'Brien and Joseph Martinelli, as Trustees of the Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund, Scholarship Fund and Other Funds, Robert Ledwith, as Business Manager of the Local #46 Metallic Lathers Union and Reinforcing Iron Workers and as Trustee of the Local #46

Metallic Lathers and Reinforcing Iron Workers Political Action Funds, and Defendants Charles Doherty and United States Rebar, Inc., through their respective undersigned counsel, that the above-captioned action shall be and hereby is dismissed without costs or attorneys' fees for any party.

Dated: New York, New York  
June ~~26~~ 26, 2008

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